

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARSH & MCLENNAN AGENCY LLC,

Plaintiff,

-against-

ELMER "RICK" FERGUSON,

Defendant.

**19 CV 03837**

Case No.: \_\_\_\_\_

**DECLARATION OF A.  
MICHAEL WEBER**

**JUDGE BRODERICK**

A. **MICHAEL WEBER**, declares pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury that the following is true and correct:

1. I am a Shareholder with the law firm Littler Mendelson, P.C., counsel for Plaintiff Marsh & McLennan Agency LLC ("MMA"). I am familiar with the facts and circumstances associated with this case and make this declaration in support of MMA's motion for a temporary restraining order, a preliminary injunction, and expedited discovery brought by order to show cause.

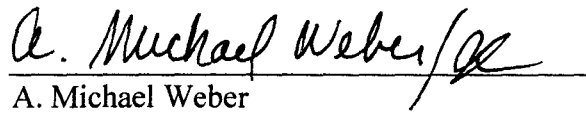
2. For the reasons stated in the accompanying memorandum of law and the declarations of Jeff Calder, Mara Crain, and Douglas A. Wickham, and the exhibits annexed thereto, an order to show cause is necessary because Defendant Elmer "Rick" Ferguson, with the assistance of non-party Teros Advisors, LLC, is presently breaching his non-solicitation and confidentiality agreement with MMA and will continue to do so, thereby causing irreparable harm to MMA, unless and until immediate injunctive relief is granted.

3. For the same reasons stated in Paragraph 2, MMA requests expedited discovery so that it can expeditiously depose Ferguson in New York and obtain key documents to assess the extent of Ferguson's violations and prevent further irreparable harm.

4. On May 1, 2019, I sent Jamie Dupree, counsel to Ferguson, a letter by email informing her that Plaintiff would be submitting an application for a temporary restraining order, a preliminary injunction, and expedited discovery, in the U.S. District Court for the Southern District of New York on April 30, 2019 and requesting an May 2, 2019 hearing date. I also advised Ms. Dupree that MMA would inform her of the place, date, and time that the Court will hear the application. A true and correct copy of my letter to Ms. Dupree is attached to this declaration as Ex. A.

5. Plaintiff has not made a previous application for the same relief sought in its order to show cause and its motion for a temporary restraining order, a preliminary injunction, and expedited discovery.

Dated: April 30, 2019  
New York, NY

  
A. Michael Weber